

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:

MS. DEBORAH VAN HUIS

KB HOME COASTAL INC.

12355 EL CAMINO REAL, SUITE 100

SAN DIEGO, CA 92130

WDID NO. 9 000001033

COMPLAINT NO. R9-2004-0116

FOR

ADMINISTRATIVE CIVIL LIABILITY

WITH

MANDATORY MINIMUM PENALTY

**VIOLATION OF EFFLUENT LIMITATIONS IN
ORDER NO. 2001-96, NPDES NO. CAG919002,
GENERAL WASTE DISCHARGE**

REQUIREMENTS FOR GROUNDWATER

EXTRACTION AND SIMILAR WASTE

DISCHARGES FROM CONSTRUCTION AND

REMEDIATION PROJECTS TO SURFACE

WATERS WITHIN THE SAN DIEGO REGION,

EXCEPT FOR SAN DIEGO BAY

APRIL 23, 2004

KB HOME COASTAL INC. IS HEREBY GIVEN NOTICE THAT:

1. KB Home Coastal Inc. is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, Water Code section 13385. The violations alleged herein include violations of effluent limitations in waste discharge requirements for discharges of pollutants from point sources to navigable waters for which the Regional Board must impose Mandatory Minimum Penalties.

ALLEGATIONS

2. KB Home Coastal Inc. discharged extracted groundwater from the Mar Lado Pump Station construction project to the San Luis Rey River. The discharge is subject to waste discharge requirements, Order No. 2001-96, *NPDES No. CAG919002, General Waste Discharge Requirements For Groundwater Extraction And Similar Waste Discharges From Construction And Remediation Projects To Surface Waters Within The San Diego Region, Except For San Diego Bay*. KB Home Coastal Inc. enrolled for regulation under these requirements on April 1, 2003 (WDID No. 9000001033).
3. In January 2004, KB Home Coastal Inc.'s discharge exceeded effluent limitations for Turbidity, Total Nitrogen and Total Phosphorus (see Table 1, attached).
4. Under subdivision (h) of Section 13385 of the Water Code, the Regional Board must impose Mandatory Minimum Penalties of \$12,000 for the alleged violations of effluent limitations, as determined by the following:

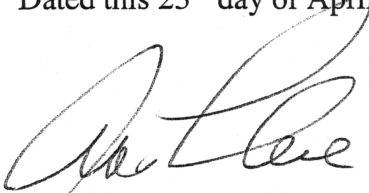
Serious Violations of Total Nitrogen and Total Phosphorus:

On January 7, 2004, the concentrations of Total Nitrogen and Total Phosphorus (both Group I pollutants) in KB Home Coastal Inc.'s discharge exceeded four of the applicable effluent limitations by 40% or more. These four violations are "serious" violations under subdivision (h)(2) of Section 13385. The Mandatory Minimum Penalty under subdivision (h)(1) of Section 13385 is \$3,000 for each violation (\$12,000).

PROPOSED CIVIL LIABILITY

5. Pursuant to Section 13385 (h) of the California Water Code, the Regional Board must impose Mandatory Minimum Penalties of \$12,000 on KB Home Coastal Inc. No additional civil liability for the violations alleged in this Complaint is recommended.

Dated this 23rd day of April 2004.



JOHN H. ROBERTUS
Executive Officer

**Table 1. Violation Summary for KB Home Coastal Inc. Groundwater Extraction
January 2004 Monthly Monitoring Report**

<u>Date of Violation</u>	<u>Violation</u>	<u>Permitted Limitation</u>	<u>Reported or Calculated Value</u>	<u>Percent Exceedance</u>	<u>Serious/Chronic</u>	<u>Penalty</u>
1/7/04	Turbidity	(*)	Upstream: 1.2 NTU Downstream: 22 NTU	NA	Chronic	\$0
1/7/04	Total Nitrogen Instantaneous Maximum	2.0 mg/l	2.9 mg/l	45 %	Serious	\$3,000
1/7/04	Total Nitrogen Average Monthly	1.0 mg/l	2.9 mg/l	95 %	Serious	\$3,000
1/7/04	Total Phosphorus Instantaneous Maximum	0.2 mg/l	0.29 mg/l	45 %	Serious	\$3,000
1/7/04	Total Phosphorus Average Monthly	0.1 mg/l	0.29 mg/l	95 %	Serious	\$3,000
Total Penalty:						\$12,000

(*) Shall not exceed the ambient turbidity of the surface water at any time.